

A MEETING OF THE SEWER BOARD OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL BE HELD IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY-COUNTY BUILDING ON WEDNESDAY, DECEMBER 11, 2007 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede.

OTHERS: Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:39 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Utz moved to approve the amended minutes of October 2 and November 20, Mr. Zurschmiede second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Jason Emly addressed the board to request 220 sewer credits for Occupational Medicine on Grantline Road.

Mr. Dixon asked if they had already discussed this with Tina Haley.

Mr. Emly stated that he had.

Mayor Garner asked when they would start construction.

Mr. Emly stated that they are about 6 weeks out and it will take 6 to 7 months.

Mr. Utz moved to issue the 220 credits, Mr. Zurschmiede second, all voted in favor.

Robbie Norrington questioned what they are going to do on the 15th Street project.

Mr. Fifer stated that he asked Mr. Christmas to prepare a study on the prevailing wage. What he found is that if they pay the prevailing wage Basin 18 is going to cost an additional \$41,000 and it would also increase the cost of the 15th Street project. He explained the situation with the wage board meeting and stated that he can file a motion to have the decision of the commission set aside.

Mr. Christmas stated that he used the two wages that were given to him to estimate this cost based on hourly rates and an estimated number of hours.

Mr. Fifer stated that they know the AFL rate is higher based on what they use to put their engineering estimate together and he doesn't believe that the AFL rate is the common rate being paid in the county for work to be done. He stated that he is of the opinion that the whole thing was legally suspect and it could be set aside but not without going to court to do so. He argued that he believes that this is nothing more than shifting the cost onto the tax payers when the project could be done cheaper.

Mr. Zurschmiede made a motion for Mr. Fifer to file whatever needs to be done to set aside the decision of the wage commission on the Basin 18 and Lewis Street project, Mr. Utz second, all voted in favor.

There was a lengthy discussion about the union involvement in fighting for this wage and the cost to the tax payers.

Mayor Garner asked if this is set aside can Mr. Haggard set a meeting for next month.

Mr. Dixon stated that he plans to have a meeting once a month.

COMMUNICATIONS - CITY OFFICIALS:

SEWER ADJUSTMENTS:

Kelly Welsh went over the training that her office received from Keystone and discussed some of the up-dates that they are going to make to the system. She also stated that they had spent quite a bit of time with Dorthia from Clarksville's utility office who is very knowledgeable about the Keystone system.

Mayor Garner stated that it sounds as if they need to start a user group and have Dorthia as the president of the user group.

Ms. Welsh discussed the L & D Mailmasters sewer tap which should have been an additional \$6,600 for drainage and stated that Mr. Dixon went out to verify the square footage and brought it to Ms. Haley's attention.

Mayor Garner stated that this needs to go to the Storm Water Board.

Ms. Welsh presented a letter from IN-AWC to a Mr. Guy Wall regarding past due billing because he was not getting a bill. She explained that he was not connected to the sewers until August of 2006, but they could not find where he paid a tap fee.

Mr. Dixon stated that they did agree to give him the materials and he did have a contractor bid to install and tap him into it but he was supposed to pay a tap fee and an inspection fee.

Ms. Welsh stated that she doesn't know when he could have taken out this tap fee because she went through 2004 on and couldn't find a record of it.

Mr. Fifer stated that he should have records of when he paid his contractor to put it in.

Ms. Welsh stated that she has that information and it was August of 2006 and he is very upset about getting this huge bill.

Mr. Fifer stated that they need to create a bill for him starting in August of 2006 and for them to ask him to provide proof that he paid the tap fee and if he can't he needs to pay for the tap fee as well.

Mayor Garner stated that they need to make sure IN-AWC removes this bill and that they bill him based on water usage to get caught up and then let IN-AWC bill from here forward.

Ms. Welsh presented a letter from IN-AWC to Mr. William Wright for back billing for the property at 1121 Vincennes St. due to there not being a toilet or sink on his property. She explained that she believes he was being billed the minimum and by ordinance that is what they are required to do but he wanted to appeal it and was unable to make the meeting.

Mr. Dixon stated that he doesn't think that he should have been billed anything because he doesn't have any sewer service at his residence. He stated that he didn't know a public building could go without either of these things but it must be okay with the Health Dept.

Mayor Garner stated that they need to check that out but deny it until further notice.

Ms. Welsh presented a letter from Mr. John Thomas, Project Superintendent, for Equity, regarding the installation of an irrigation system and installing the meter in the building.

Mayor Garner asked if this place was going to have sprinklers.

Mr. Fifer stated that he thinks they should have Mr. Dixon go by and look at the meter to see if it is sufficient and if it will read accurately and if so then it shouldn't be a problem.

Mr. Dixon stated that the gentleman called him and he wants to put a meter inside of his building and he told him to contact the water company because they do not install water meters inside. He stated that if he does get a meter and puts it inside of his building they will have to have access to go out and read it.

Mayor Garner asked Ms. Welsh to inform him that they would have to have Indiana American Water to install a separate meter and perform the meter reads for their irrigation system. He stated that their ordinance says that if he wants to do that he will have to put another meter in as well for the water company to be able to read. He stated that he is trying to save money but in the end it will cost the City more money to have to go out and read the meters.

Mr. Utz stated that the only way he can avoid paying sewage on the irrigation system is to put in a separate meter.

Mayor Garner stated that from a construction stand point they have an ordinance that they can apply for 6 months of no sewer bills but the only way to not pay is to install a separate meter.

Mrs. Welsh went over the list of pre-lien letters that are going to go out.

Mr. Fifer stated that he brought the letter from Thienemans agreeing to pay the \$279,000 if they complete Phase I & II of Basin 35. Said letter is on file with the City Clerk's office.

Mrs. Welsh stated that they had discussed hiring a part-time person to finish out the Helvey accounts and she explained that April volunteered to do some things after hours and they could pay her as opposed to trying to train a new person to do the job.

Mr. Fifer stated that this would create an over-time problem with her being a salary appointment. They could hire her as an independent contractor and create a total fee for the work. If that is something they could come up with then that is an option.

NEW BUSINESS:

Item #1 - Winterheimer re: Autumn View Sewer Credits

Not Present

Mayor Garner presented the resolution for the Redevelopment for the TIF dollars for the up-grades of the Prosser and Mt. Tabor lift stations.

Mr. Utz moved to pass resolution SB-07-01, Mr. Zurschmiede second, all voted in favor.

Mayor Garner asked Mr. Dixon for an up-date on the Timberlake Plumbing issue.

Mr. Dixon explained that \$4,466 has been over-paid to Timberlake from the drainage board, but they feel that they are owed the \$6,000 for tap fees that they paid for the individuals and they are holding the over-payment.

It was decided that Mr. Fifer would send a letter requesting that they send the money to the City and if not they will take them to court.

Mr. Fifer stated that he had to leave early and presented several issues. One being a response he received from the Grantline Capacity Certification that requests some additional information so Mr. Christmas is going to go back and work with them to get the information back to them so that project can move forward. He stated he received a letter from Chuck Murphy (on file in the Clerk's office) who represented a client that always believed he held more of the right-of-way than he did, the board authorized him to settle the case back in 2005 for \$2,500 and the client has accepted that with the addition of the attorney fees of \$684.00.

Mr. Utz moved to approve a settlement of \$3,184 to Mr. Jim Anderson, Mr. Zurschmiede second, all voted in favor.

OLD BUSINESS:

Item #1 - Donohue re: Project Update

Mr. Elling reported that the railroad is planning to start a project on the 15th Street line in 2009 so it would be beneficial if the sewer project was completed sometime in 2008. He stated that assuming that he will be getting the sewer _____ records on or about the beginning of the year it will take him approximately three months to develop the report and get that done. He said if they proceed immediately with a recommended design from the board it will take about six months to get that done and that will leave them with about three months at the end of 2008 and the first three months of 2009 before the railroad would begin work.

Mayor Garner stated that his response to the Railroad would be that they have to present a plan to the City for the City's approval per the ordinance.

Mr. Elling stated that they will not have plans prepared until late next year.

Mayor Garner stated that they have never submitted a plan and they need to put them on notice that they need to submit something to the City because they authorize the repairs.

There was a lengthy discussion regarding the immediate need for repair of the 15th Street rail and putting them on notice, in writing, that there is a hazardous condition in this area. They also discussed how the railroad is adversely affecting the sewer utility.

Mr. Elling reported that the contract was \$97,000 for 15th Street and they have spent \$71,000 and there is a \$26,000 left. He also reported on the Strainer project that was voted on last month. He has sent different plans to Rob Sartell for his review. He explained that the Master Plan project up through last Friday is at \$84,500 spent with additional \$5,000 of work to be done.

Mr. Fifer stated that he needed the board to authorize the Mayor to sign the Amended Consent Decree that was presented to them last meeting.

Mr. Utz made a motion to approve the Amended Consent Decree, Mr. Zurschmiede second, all voted in favor.

Mr. Elling asked Mr. Utz for clarification on the University Station project and which basin they will be going to.

There was a lengthy discussion regarding the fact that the project will be going to basin 25 and Basin 32.

Mr. Elling presented a copy of Table 21 from the Master Plan and explained the changes to the same. Said table is on file with the City Clerk's office. He also questioned Mr. Utz regarding figures that he gave him for _____ and stated that he didn't

understand what revisions he was referring to.

Mr. Utz explained that a lot of this project will spill over into 2008.

Mr. Elling asked how many copies they wanted him to deliver of the final Master Plan.

Ms. Wisman stated that she would love to have a PDF copy.

Item #2 - Clark Dietz re: Project Update

Wes Christmas informed the board of a conflict in Basin 35 with Vectren regarding a 10" major feed gas line. He proposed to them that the sewer line make a 90 degree at this point and so far everyone is okay with this but they have received a summary of the new cost for this modification from Team Contracting in the amount \$16,008.17. He presented the change order from Team Contracting to the board which is on file with the City Clerk's office.

Mr. Utz moved to approve Change Order #1 on Basin 35 Interceptor Project Phase I, Mr. Zurschmiede second, all voted in favor.

Mr. Christmas further reported on the Basin 35 Interceptor project regarding the issues with easements. He stated that on the REL Force Main they had a couple of additional complaints from the Rustic Frog about the smell and taste of their fountain water and he believes he spoke to Mr. Dixon about it but to him it sounds like it is a problem with their machine. He also reported that on Basin 18 all the permits have been sent off and expects to have them resolved by February 1st and asked if they wanted to go ahead and proceed with that project and set a schedule.

Mr. Utz moved to proceed with the schedule of Advertising 1 on Feb. 1, 2008, Advertising 2 on Feb. 8, 2008, Pre-bid Meeting on Feb. 12, 2008, Open bids on Feb. 19, 2008, Award project on March 4, 2008 and NTP on April 1, 2008 for Basin 18, Mr. Zurschmiede second, all voted in favor.

Item #3 - Robert E. Lee Lift Station pump replacement reimbursement

Mr. Sartell asked if they were ready to give a decision on this.

It was decided to put this on for the next meeting.

EMC REPORT:

Mr. Sartell reported that he had three quotes for the intermediate pump variable frequency drive. He stated that they could hold this until the next meeting. Said quote is on file with the City Clerk's office

Mr. Utz moved to approve the quote of Square D for \$11, 500, Mr. Zurschmiede second, all voted in favor

BIDS:

CLAIMS:

| | | |
|-------------------------|--------------|--------------|
| Team Contracting | Invoice #2 | \$11,282.54 |
| | Invoice #7 | \$29,779.04 |
| TSI Paving | Invoice#2 | \$120,201.52 |
| MAC Construction | Invoice#2 | \$81,980.25 |
| | Invoice #1 | \$165,514.82 |
| Applegate & Fifer | Invoice#3258 | \$2,000.00 |
| | Invoice#3257 | \$1,896.16 |
| Vectren | | \$19,635.00 |
| Melhisier Endres Tucker | Invoice#9207 | \$1,280.00 |

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|-------------------|------------------|--------------|
| Clark Dietz | Invoice#49936 | \$10,600.00 |
| | Invoice#49937 | \$545.00 |
| | Invoice#49938 | \$3,523.32 |
| | Invoice#49939 | \$13,800.00 |
| | Invoice#49940 | \$18,756.41 |
| AAA Plumbing | Invoice# | \$800.00 |
| Clark Dietz | Invoice#49968 | \$2,416.23 |
| MAC Construction | Invoice#2 | \$120,561.34 |
| K&E Environmental | Invoice#529 | \$1,975.60 |
| | Invoice#513 | \$3,331.16 |
| Cornell Harbison | Invoice#A/A | \$47,562.90 |
| EMC | Invoice#20014919 | \$308,000.00 |
| | Invoice#12407 | \$9,301.60 |

Mr. Utz had questions about Claim #7 to Team Contracting. He thought that they had only held back \$24,000 of the retainage for the tree mitigation.

Mr. Sartell informed them that he needed to check the claim for the NPDES Permit and that they could hold that until the next meeting.

Mr. Utz moved to approve all the claims except Claim #7 and Claim #12407, Mr. Zurschmiede second, all voted in favor.

Mr. Christmas asked that they approve Claim #7 for Team Contracting. He explained that they did hold back a portion for the retainer but that Mr. Solomon had requested that they hold an additional \$5,000 for the tree mitigation.

Mr. Utz moved to approve claim #7, Mr. Zurschmiede second, all voted in favor.

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 5:50 p.m.

Respectfully submitted,

Mayor James Garner, Chairman

Marcey Wisman, City Clerk